

REMARKS

Claims 1-23 are pending in this application. Of these, claims 20-23 have been indicated as being allowable over the prior art of record. Claims 1-19 currently stand rejected, and are at issue herein. Reconsideration of claims 1-19 and indication of the allowability of claims 1-23 at an early date in view of the following remarks and attached Declaration Under 37 C.F.R. § 1.131 are respectfully solicited.

The Examiner has rejected claims 1-19 under 35 U.S.C. §102(e) as being anticipated by Bendinelli et al., U.S. Patent No. 6,631,416. This ground of rejection is respectfully traversed. Reconsideration of this ground of rejection in view of the following remarks and the attached Declaration of the inventor, Shy Cohen, under 37 C.F.R. § 1.131 are respectfully solicited.

The Bendinelli et al. '416 patent was granted on October 7, 2003, from an application filed April 11, 2001. This patent claims priority to a provisional application serial number 60/196,297, filed on April 12, 2000. As such, the foundation for this rejection is based upon the second clause of 35 U.S.C. §102(e), which precludes patentability where the claimed invention is anticipated by "(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent ...". However, the applicant respectfully submits that the Bendinelli et al. '416 patent was not filed in the United States "before the invention by the applicant for patent" as required by this section. Indeed, the applicant has submitted herewith a Declaration Under 37 C.F.R. § 1.131 swearing behind the priority filing date of the Bendinelli et al. '416 patent, and establishing diligence from a time just prior to the filing of the '297 provisional application on which this patent relies for priority until the filing of the present application on October 20, 2000. Reconsideration of this ground of rejection in view of the included Declaration Under 37 C.F.R. § 1.131 and indication of the allowability of claims 1-19 at an early date are respectfully solicited.

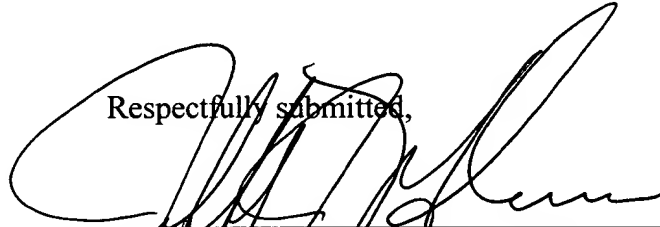
The Examiner has indicated that claims 20-23 are allowable. The applicant wishes to thank the Examiner for his thorough consideration of these claims and the indication of the allowability thereof.

In view of the above and the attached Declaration Under 37 C.F.R. § 1.131, the applicant respectfully submits that claims 1-23 are in condition for allowance, claims 20-23 having previously been indicated as being allowable. Reconsideration of this application and indication of the allowability of claims 1-23 at an early date are respectfully solicited.

In re Appln. of Shy Cohen
Application No. 09/676,924

If the Examiner believes that a telephonic conversation will aid in the resolution of any issues not resolved herein, the Examiner is invited to contact the applicant's attorney at the telephone number listed below.

Respectfully submitted,



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Date: April 26, 2004